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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,191	04/17/2006	Rikiya Ishiguro	59243.00017	8618
32294	7590	09/20/2007	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			MONFELDT, SARAH M	
		ART UNIT	PAPER NUMBER	
		3692		
		MAIL DATE	DELIVERY MODE	
		09/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/576,191	ISHIGURO, RIKIYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sarah M. Monfeldt	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 April 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 April 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>17 April 2006</u> .	6) <input type="checkbox"/> Other: _____

***Status of Claims***

1. This action is in reply to the application filed on 17 April 2006.
2. Claims 1-7 are currently pending and have been examined.

***Information Disclosure Statement***

3. The Information Disclosure Statement filed on 17 April 2006 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

***Priority***

4. Acknowledgement is made of a claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f). All copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Vague & Indefinite:
    - i. Claim 1 recites the limitation "first index", "second index", "third index", "fourth index". It is unclear as to how these terms are calculated and the specification does not provide guidance as to how to obtain such indices. Appropriate clarification and correction is required.
    - ii. Claim 3 recites the limitation "magnitude of the desire" is a relative term. The specification does not provide guidance as to what this term is attempting to encompass. Appropriate correction and clarification is required.
    - iii. Claim 5 recites the limitation "correcting the first index". It is unclear how this correction is calculated. Appropriate correction and clarification is required.
    - iv. Claim 6 recites the limitation "correcting the second index". Appropriate correction and clarification is required.

Art Unit: 3692

v. Claim 7 recites the limitation "correcting the third index based on ratings of quality of goods or level of service". It is unclear as to what this recitation is attempting to encompass. The specification does not provide guidance as to how this correction takes place. Furthermore, there is no discussion as to what the meaning of the term "ratings" is. Does this mean the quality of goods for the second trader is expected to change within the timeframe of making the request/bid by the first trader? If this is the case, how would the change in quality of goods affect the order that is processed by the second trader since the first trader has already made a choice as to the second trader? Appropriate correction and clarification is required.

b. Antecedent Basis

- i. Claim 1 recites the limitation "the fifth processing unit". There is insufficient antecedent basis for this limitation in the claim.
- ii. Claim 1 recites the limitation "the level of service". There is insufficient antecedent basis for this limitation in the claim.
- iii. Claims 2-3 recites the limitation "the fourth processing unit". There is insufficient antecedent basis for this limitation in these claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Solomon* (US 2002/0046157) in view of *Schreiber* (WO 02/17194).

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are

Art Unit: 3692

applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claim 1 –**

As per claim 1, Solomon discloses a *commercial transaction management system for managing commercial transaction between a plurality of first traders and a plurality of second traders as parties involved, based on network communication with a first terminal device of the first trader placing order of goods, and a second terminal device of the second trader receiving order of goods having the limitations of:*

- *a first processing unit for determining a first index according to cost needed for commercial transaction with the first trader for each of the second trader, based on a part of or all of a placed order content of the first trader, upon recognizing the placed order content including category, quantity, desired delivery date, and priority rank of the ordered goods by the first trader based on the communication with the first terminal device; (see at least paragraphs [0031], [0210], [0233], [0245], [0284], [0334])*
- *a second processing unit for determining a second index according to time needed for commercial transaction with the first trader for each of the second trader, based on a part of or all of the placed order content of the first trader, upon recognizing the placed order content of the first trader based on the communication with the first terminal device; (see at least paragraph [0031], [0046], [0284])*
- *a third processing unit for determining a third index according to quality or level, upon recognizing the quality of goods or the level of service of each of the second trader; (see at least paragraph [0031], [0233], [0245], [0284])*
- *a fourth unit for determining a selection index for selecting the second trader, based on the first index, the second index, and the third index determined by the first processing unit, the second processing unit, and the third processing unit, respectively, and for determining the second trader receiving order of goods from the first trader, based on the selection index; (see at least paragraph [0034], [0259], [0261], [0265], [0266])*
- *a fifth unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader, based on the placed order content by the first trader recognized by the first or the second processing unit; and (see at least paragraph [0265])*
- *a communication processing unit for transmitting the received order content determined by the fifth processing unit to the second terminal device of the second trader selected by the fourth processing unit. (see at least paragraph [0265])*

Art Unit: 3692

Solomon does not explicitly disclose the following limitations:

- *desired delivery date of the ordered goods by the first trader based on the communication with the first terminal device*

Schreiber teaches *desired delivery date of the ordered goods by the first trader based on the communication with the first terminal device* (see at least page 22, lines 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Solomon to include the delivery date field as taught by Schreiber. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Solomon in this way since by the buyer being able to define a range of dates allows for flexibility and for comparison with sellers who have overlapping delivery dates (see at least page 19, lines 17-24 of Schreiber).

#### **Claim 2 –**

As per claim 2, Solomon in view of Schreiber teach *the commercial transaction management system* of claim 1 as described above. Solomon, at least at [0208], further discloses a *commercial transaction management system for managing commercial transaction between a plurality of first traders and a plurality of second traders as parties involved, based on network communication with a first terminal device of the first trader placing order of goods, and a second terminal device of the second trader receiving order of goods* having the limitations of:

- *wherein the fourth processing unit determines the selection index based on the first index, the second index, and the third index, upon recognizing an order placing policy of the first trader indicating the importance to the first trader of the cost needed for the commercial transaction, the time needed for the commercial transaction, and the quality of the goods or the level of the service, and upon weighing the first index, the second index, and the third index in accordance with the order placing policy of the first trader.*

#### **Claim 3 –**

As per claim 3, Solomon in view of Schreiber teach *the commercial transaction management system* of claim 1 as described above. Solomon, at least at paragraph [0336], further discloses a *commercial transaction management system for managing commercial transaction between a plurality of first traders and a plurality of second traders as parties involved, based on network communication with a first terminal device of the first trader placing order of goods, and a second terminal device of the second trader receiving order of goods* having the limitations of:

- *wherein the fourth processing unit determines the selection index based on an order receiving policy of the second trader indicating the magnitude of the desire by the second trader to have*

Art Unit: 3692

*commercial transaction with each of the first trader, upon recognizing the order receiving policy of the second trader based on the communication with the second terminal device.*

**Claim 4 –**

As per claim 4, Solomon in view of Schreiber teach *the commercial transaction management system* of claim 1 as described above. Schreiber, at least at page 19, lines 17-24, further discloses a *commercial transaction management system for managing commercial transaction between a plurality of first traders and a plurality of second traders as parties involved, based on network communication with a first terminal device of the first trader placing order of goods, and a second terminal device of the second trader receiving order of goods having the limitations of:*

- *further comprising a sixth processing unit for recognizing a production plan of goods prepared by the second terminal device, based on the communication with the second terminal device to which the placed order content is transmitted by the communication processing unit, and for recognizing the delivery date to the first trader of the goods produced by the second trader in accordance with the production plan,*
- *wherein the communication processing unit transmits the delivery date recognized by the sixth processing unit to the first terminal device.*

The motivation for making this modification to the teachings of Solomon is the same as that set forth above, in the rejection of Claim 1.

10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon (US 2002/0046157) in view of Schreiber (WO 02/17194), as applied to claims 1-4 above, and further in view of Dudle et al. (US 5570291).

**Claim 5 –**

As per claim 5, Solomon in view of Schreiber teach *the commercial transaction management system* of claim 1 as described above. Solomon in view of Schreiber do not explicitly disclose the following limitations:

- *further comprising a first correction processing unit for correcting the first index based on an order receiving status or a production progress status of the goods by the second trader, upon recognizing the order receiving status or the production progress status of the second trader based on the communication with the second terminal device.*

Dudle et al. teach *further comprising a first correction processing unit for correcting the first index based on an order receiving status or a production progress status of the goods by the second*

Art Unit: 3692

*trader, upon recognizing the order receiving status or the production progress status of the second trader based on the communication with the second terminal device (see at least col. 16, II. 34-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Solomon in view of Schreiber to include the planning bill of materials subsystem audit as taught by Dudle et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Solomon in view of Schreiber in this way since the planning bill of materials subsystem audit allows for a more accurate estimate (see at least col. 16, II. 44-47 of Dudle et al.).*

**Claim 6 –**

As per claim 6, Solomon in view of Schreiber teaches *the commercial transaction management system* of claim 1 as described above. Solomon in view of Schreiber do not explicitly disclose the following limitations:

- *further comprising a second correction processing unit for correcting the second index based on an order receiving status or a production progress status of the goods by the second trader, upon recognizing the order receiving status or the production progress status of the second trader based on the communication with the second terminal device.*

Dudle et al. teach *further comprising a second correction processing unit for correcting the second index based on an order receiving status or a production progress status of the goods by the second trader, upon recognizing the order receiving status or the production progress status of the second trader based on the communication with the second terminal device (see at least col. 16, II. 34-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Solomon in view of Schreiber to include the planning bill of materials subsystem audit as taught by Dudle et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Solomon in view of Schreiber in this way since the planning bill of materials subsystem audit allows for a more accurate estimate (see at least col. 16, II. 44-47 of Dudle et al.).*

**Claim 7 –**

As per claim 7, Solomon in view of Schreiber teaches *the commercial transaction management system* of claim 1 as described above. Solomon in view of Schreiber do not explicitly disclose the following limitations:

- *further comprising a third correction processing unit for correcting the third index based on ratings of quality of goods or level of service for each of the second trader by each of the first trader,*

Art Unit: 3692

*upon recognizing the ratings of each of the second trader by each of the first trader based on the communication with the first terminal unit.*

Dudle et al. teach *further comprising a third correction processing unit for correcting the third index based on ratings of quality of goods or level of service for each of the second trader by each of the first trader, upon recognizing the ratings of each of the second trader by each of the first trader based on the communication with the first terminal unit* (see at least col. 16, ll. 34-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Solomon in view of Schreiber to include the planning bill of materials subsystem audit as taught by Dudle et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Solomon in view of Schreiber in this way since the planning bill of materials subsystem audit allows for a more accurate estimate (see at least col. 16, ll. 44-47 of Dudle et al.).

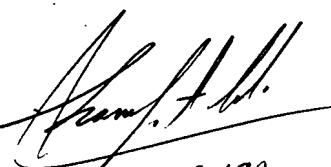
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah M. Monfeldt whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sarah M. Monfeldt  
Patent Examiner, AU 3692  
August 28, 2007

  
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